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Date of Deposit: February 9, 2005

Attorney Docket No. 22596-537 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Jiang *et al.*

SERIAL NUMBER : 10/810,260

EXAMINER : Not Yet Assigned

FILING DATE : March 26, 2004

ART UNIT : 1614

FOR : NOVEL LAPACHONE COMPOUNDS AND METHODS OF USE THEREOF

Office of Initial Patent Examination's  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**

1. Applicants request a Corrected Filing Receipt for the above-mentioned patent application. Applicants enclose a copy of the Filing Receipt with the corrections noted thereon in red. Issuance of a corrected filing receipt is respectfully requested.
2. There are errors with respect to the following data, which are:

incorrectly entered  
*and/or*  
 omitted.

<i>Error in</i>	<i>Correct data</i>
1. <input type="checkbox"/> Applicants' name	
2. <input type="checkbox"/> Applicants' address	
3. <input type="checkbox"/> Title	
4. <input type="checkbox"/> Filing Date	
5. <input type="checkbox"/> Serial Number	
6. <input checked="" type="checkbox"/> Domestic Priority Data	This application claims the benefit of 60/427,283 filed 11/18/2002 10/622,854 filed 7/17/2003
7. <input checked="" type="checkbox"/> Foreign Applications	PCT/US03/37219 filed 11/18/2003 PCT/US03/22631 filed 7/17/2003
8. <input type="checkbox"/> Other	

**Confirmation No: 5661**  
**Filing Date: March 26, 2004**

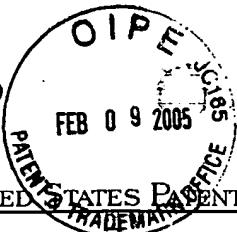
4. Applicants herewith include a Response to the January 31, 2005 Response to Request for Corrected Filing Receipt describing the priority for the instant application.
5. Applicants submit that the priority information was included with Applicant's Request for Filing a Continuation Patent Application under 37 CFR 1.53(b) and the Preliminary Amendment filed therewith on March 26, 2004.
6. Applicants believe that no fee is due. However, the Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to Deposit Account No. 50-0311, Ref. No. 22596-537 CON.

Respectfully submitted,

*Mather Parz* Reg. No. 50,572  
r: Ivor R. Elrifi, Reg. No. 39,529  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
Tel: (617) 542-6000  
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**Customer No. 30623**

Dated: February 9, 2005

TRA 2003780v1



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/810,260	03/26/2004	1614	1242	22596-537 CON A	1	65	12

**CONFIRMATION NO. 8306**

30623  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C.  
ONE FINANCIAL CENTER  
BOSTON, MA 02111

**UPDATED FILING RECEIPT**



\*OC000000013852939\*

Date Mailed: 09/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Zhiwei Jiang, Grafton, MA;  
Dasharatha Reddy, Acton, MA;  
Samuel K. Ackerman, Weston, MA;  
June Salvesen, Marlborough, MA;

<input checked="" type="checkbox"/> Data Entry	Done By <i>[Signature]</i>
<input type="checkbox"/> Docket Entry	_____
<input type="checkbox"/> Docket Cross Off	_____
<input type="checkbox"/> Previously Entered	_____
<input type="checkbox"/> No Docketing Req.	_____
<input type="checkbox"/> ELITE	_____
<input type="checkbox"/> Annuities	_____

**Power of Attorney:** The patent practitioners associated with Customer Number 30623.

**Domestic Priority data as claimed by applicant**

This application is a CON of PCT/US03/37219 11/18/2003  
which claims benefit of 60/427,283 11/18/2002

*101622,884 filed 7/17/2003*

*PCT/US03/22631 filed 7/17/2003*

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 06/05/2004

**The number of your priority application, to be used for filing abroad under the Paris Convention is,  
US10/810,260**

**Projected Publication Date:** 12/30/2004

**Non-Publication Request:** No

**RECEIVED**

SEP 23 2004

MINTZ LEVIN, BOSTON  
PATENT DOCKET DEPT.

**Early Publication Request: No**

**\*\* SMALL ENTITY \*\***

**Title**

Novel lapachone compounds and methods of use thereof

**Preliminary Class**

514

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

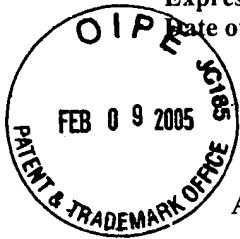
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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## COMMUNICATION

This communication is in response to the Response to Request for Corrected Filing Receipt mailed on January 31, 2005 in response to Applicants' Request for Corrected Filing Receipt filed on January 19, 2005, in above-identified application.

The Response to Request for Corrected Filing Receipt indicates that with respect to two applications to which priority is claimed (10/622,854 and PCT/US03/22631) continuity data claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the Applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. Applicants disagree.

The instant application is a continuation application and claims the benefit of, and priority to, PCT/US03/37219, filed November 18, 2003, under 35 USC § 365(c). PCT/US03/37219, filed November 18, 2003, properly claims the benefit of, and priority to, the following applications:

PCT/US03/22631 filed July 17, 2003;  
U.S. Patent Application 10/622,854 filed July 17, 2003; and  
U.S. Patent Application 60/427,283 filed November 18, 2002.

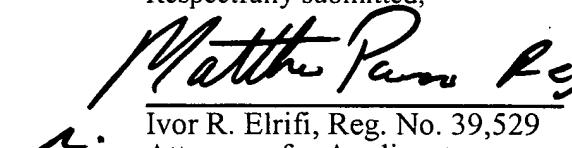
Applicants submit that the priority information was included with Applicant's Request for Filing a Continuation Patent Application under 37 CFR 1.53(b) and the Preliminary Amendment filed therewith on March 26, 2004 (courtesy copy submitted herewith).

As the instant application is a continuation application of PCT/US03/37219, filed November 18, 2003, which properly claims the benefit of, and priority to, PCT/US03/22631, filed July 17, 2003, U.S. Patent Application 10/622,854, filed July 17, 2003 and U.S. Patent Application 60/427,283, filed November 18, 2002, Applicants submit the instant application is entitled to claim priority to these applications.

Applicants believe that no fees are due with this filing. However, the Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 50-0311, Attorney Ref. No. 22596-537 CON.

If there are any questions regarding these references, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

  
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Dated: February 9, 2005

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